

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

| | | |
|--------------------------|---|-------------|
| UNITED STATES OF AMERICA |) | |
| Appellee |) | |
| |) | |
| v. |) | No. 15-3030 |
| |) | |
| LARRY A. GOOCH, JR., |) | |
| Appellant |) | |
| _____ |) | |

**APPELLANTS' UNOPPOSED MOTION
FOR AN EXTENSION OF TIME TO FILE OPENING BRIEF**

COMES NOW, Appellant Larry A. Gooch, Jr., by and through counsel and respectfully submits this Unopposed Motion for an Extension of Time pursuant to Federal Rule of Appellate Procedure 26(b) and District of Columbia Circuit Rule 28(e) in the above captioned case. Appellee, the United States government, does not oppose this motion.

In support of this motion, counsel respectfully states:

1. By Order dated November 23, 2015, this Court appointed undersigned counsel to represent Mr. Gooch in the above-captioned matter. By Order dated November 24, 2015 this Court issued a briefing schedule that requires Appellant's opening brief to be filed on January 25, 2016.

2. By Order dated November 2, 2015, this Court, *inter alia*, directed counsel to brief several relatively novel issues of appealability that include “whether appellant must obtain a COA to appeal the order denying his renewed motion for an extension of time to file a notice of appeal of the order denying his motion for relief under 28 U.S.C. § 2255[;] . . . whether appellant is entitled to a COA to appeal the order denying his renewed motion for an extension of time to file a notice of appeal of the order denying his motion for relief under § 2255; [and] whether his motion for an extension of time to file a COA was the functional equivalent of a timely notice of appeal of the order denying his motion for relief under § 2255.” These issues are ones for which little established precedent exists and will require significant research.

3. The Court also, directed briefing on the underlying claim for relief on which the district court granted Mr. Gooch a certificate of appealability. Review of that claim will require counsel to read an extensive multi-week record. It was not until last week that the undersigned was able to take possession of the records of Mr. Gooch’s trial, which prior counsel had stored in long-term storage.

4. Finally, and perhaps most importantly, Mr. Gooch has advised undersigned counsel of his intention to communicate with this Court and seek the appointment of an a different attorney to represent him during this appeal. Counsel has advised Mr. Gooch to do so expeditiously, as it seems inadvisable to proceed

with further preparation of his appeal while uncertainty about representation is pending.

5. In light of the forgoing circumstances, counsel request an extension of 60 days, to and including March 25, 2016, within which to file Appellant's opening brief. Should the Court direct the appointment of alternate counsel the successor counsel may wish to seek a further extension of time.

CONCLUSION

For the foregoing reasons, the motion for an extension of time should be granted.

Respectfully Submitted,
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this the 17th day of December 2015, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of the filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing. Parties may access this filing through the Court's CM/ECF System.

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